

REMARKS

Applicant elects to prosecute the claims of Group I to the device, without traverse. Certain claims from Groups II and III are retained and indicated as withdrawn. It is understood that, in accordance with the present USPTO policy, upon the allowance of claims to a device, claims to a method of using that device and/or claims to a method of making that device including all of the limitations of the allowed claim will be considered for rejoinder and examination.

Claim 3 has been amended for clarification and to further recite that the polymer spots are three-dimensional, as disclosed on page 8, lines 6-9, where it is pointed out that the three-dimensional character of the spot permits a large number of probes to be immobilized in each well. Withdrawn claim 19 has been similarly amended and to correct a clerical error. Withdrawn claim 15 is amended so as to more clearly define the preferred embodiment shown in the drawings where a flat plate is used and the wells are formed by holes extending through the plate and are thus defined by the thickness of the plate itself. New Claim 21 is added so as to present the details mentioned above in a claim to the device that should be examined along with Claims 1-12 in Group I that was elected.

An Office Action on the merits at an early date is respectfully requested. In response to a voice mail message, the Examiner acknowledged that no election of species was being required in this application.

Respectfully submitted,

Fitch, Even, Tabin & Flannery

Date: May 5, 2006

By: /JJS/
James J. Schumann
Reg. No. 20,856

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

Direct telephone inquiries to:
James J. Schumann
(858) 552-1311
San Diego, California Office of
FITCH, EVEN, TABIN & FLANNERY